STATE OF ARIZONA FILED

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STATE OF ARIZONA

DEPARTMENT OF INSURANCE

AND DESIST

DEPT OF HYSORANCE

In the Matter of: No. 09A-136-INS STARWAY AGENCY, INC., ORDER TO CEASE (National Producer # 8649829), and CHANG. SHELLEY. (Arizona License # 949827). (National Producer # 88898), Respondents

The Arizona Department of Insurance ("Department") has received evidence that Respondents have unlawfully solicited insurance in the State of Arizona. Accordingly, the Director of Insurance of the State of Arizona (the "Director") makes the following Findings of

FINDINGS OF FACT

Fact and Conclusions of Law and enters the following Order pursuant to A.R.S. § 20-292.

- Starway Agency, Inc. ("Respondent Starway" or "Starway") is, and was at all 1. times material, a New York domestic corporation licensed as a resident property and casualty agent, New York license # PC-1006444, which expires on June 30, 2010, and a New York resident broker, New York license # BR-1006444, which expires on October 31, 2010. Starway is also licensed in Maryland as a non-resident property and casualty producer, Maryland license # NPF 99999139, which expires on May 28, 2010.
 - Starway is not licensed as an insurance producer in the State of Arizona. 2.
 - Starway is not exempt from the licensing requirement. 3.
- Starway's address of record is: 334 E. 92nd Street, Suite 1C, New York, New 4. York 10128.
- Shelley Chang ("Respondent Chang" or "Chang") is, and was at all times 5. material, a non-resident property and casualty producer, Arizona license # 949827, which expires on July 31, 2013.

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- Chang's address of record with the Department is: 334 E. 92nd Street, Suite 6. 1C. New York, New York 10128 (business, mailing and residence).
 - Chang is the Chairman or Chief Executive Officer of Starway. 7.
- On August 18, 2009, Starway sent a letter to Head to Toe Healthcare, PLC, 8. 7406 N. La Cholla Blvd., Tucson, Arizona 85741-2306. In the letter, Starway attempted to sell insurance in the form of a \$50,000 Medicare Bond.
- Starway also maintains a website: www.starway-dmepos.com which offers 9. bonds for sale. The website does not contain any restriction against accepting applications from Arizona residents.

CONCLUSIONS OF LAW

- The Director has jurisdiction over this matter. 1.
- "Solicit" means attempting to sell insurance or asking or urging a person to 2. apply for a particular kind of insurance from a particular company, within the meaning of A.R.S. § 20-281(15).
- Respondent Starway's conduct, as alleged above, constitutes soliciting 3. insurance in this state for any class or classes of insurance without being licensed for that line of authority, within the meaning of A.R.S. § 20-282.
- Respondent Starway is not exempt from the licensing requirement, within the meaning of A.R.S. § 20-283.
- Grounds exist for the Director to order Respondent Starway to cease and 5. desist its violation pursuant to A.R.S. § 20-292.
- Respondent Chang's conduct, as alleged above, constitutes a violation of 6. Title 20, within the meaning of A.R.S. § 20-295(A)(2).
- Grounds exist for the Director to suspend, revoke or refuse to renew 7. Respondent Chang's insurance producer license or impose a civil penalty, within the meaning of A.R.S. §§ 20-295(A) and (F).

1	<u>ORDER</u>
2	IT IS THEREFORE ORDERED:
3	Respondents shall immediately cease and desist from soliciting any class or
4	classes of insurance in this state until such time that Respondent Starway is licensed for
5.	the appropriate line of authority.
6	2. This Order shall become effective immediately and shall remain in full force
7	and effect until otherwise stayed, modified, vacated or set aside.
8	NOTICE OF OPPORTUNITY FOR HEARING
9	Pursuant to Title 20 of the Arizona Revised Statutes, Respondents are hereby
10	notified that they may request a hearing pursuant to A.R.S. § 20-161 to contest the order to
11	cease and desist. Such a request must be in writing and received at the following address
12	within thirty (30) days from the date hereof:
13	Arizona Department of Insurance 2910 North 44th Street, Suite 210
14	Phoenix, Arizona 85012 ATTN: Director's Office
15	Upon receipt of a timely written request for hearing, the Director will issue an order
16	setting the time and place of the hearing.
17	DATED AND EFFECTIVE this 13th day of November, 2009.
18	
19	Chata-lla
20	CHRISTINA URIAS, Director Arizona Department of Insurance
21	
22	COPY of the foregoing mailed this 13th day of November , 2009 to:
23	Lynette Evans
24	Assistant Attorney General 1275 West Washington
25	Phoenix, Arizona 85007 Attorney for the Department
26	

1	Starway Agency, Inc.
2	334 East 92 nd Street, #1C New York, New York 10128
3	Respondent
4	Shelley Chang
5	334 East 92 nd Street, #1C New York, New York 10128
6	Respondent
7	Gerrie Marks, Deputy Director
	Mary E. Kosinski, Exec. Assistant for Reg. Affairs
8	Catherine M. O'Neil, Consumer Legal Affairs Officer Mary Butterfield, Assistant Director
9	Steven Fromholtz, Licensing Administrator Department of Insurance
10	2910 North 44 th Street, Suite 210
11	Phoenix, Arizona 85018
12 (serron Buston
13	Curvey Walters Burton
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